

Order 2003-6-26



**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.**

Issued by the Department of Transportation
on the 19th day of June, 2003

Served: June 24, 2003

Applications of

MURRAY AIR, INC.

for certificates of public convenience and necessity under
49 U.S.C. 41102 to engage in interstate and foreign charter
air transportation of property and mail

**Dockets OST-03-14320
OST-03-14321**

FINAL ORDER

ERRATUM

By Order 2003-6-26, issued June 19, 2003, the Department finalized its tentative findings and conclusions stated in Order 2003-5-36 and awarded a certificate of public convenience and necessity to Murray Air, Inc., authorizing it to engage in interstate charter air transportation of property and mail.¹ However, Order 2003-6-26 and the attached certificate were signed by Read C. Van de Water, the Department's former Assistant Secretary for Aviation and International Affairs. While approved prior to her departure, the issue date of the order came after her departure. To correct the timing problem, we are reissuing Order 2003-6-26 under the signature of the current decision maker. A corrected Final Order and certificate are attached.

By:

Michael W. Reynolds
Acting Assistant Secretary
for Aviation and International Affairs

¹ The referenced order issued only an interstate certificate to Murray Air. Issuance of a foreign certificate is subject to Presidential review under 49 U.S.C. 41037 and, as a result, is being handled in a separate order.

Order 2003-6-26



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MURRAY AIR, INC.

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under 49 U.S.C. 41102 to engage in interstate and
foreign charter air transportation of property, and mail

**Dockets OST-03-14320
OST-03-14321**

FINAL ORDER

By Order 2003-5-36, issued May 30, 2003, we directed all interested persons to show cause why we should not make final our tentative findings and conclusions stated in it and award certificates of public convenience and necessity to Murray Air, Inc., authorizing it to engage in interstate and foreign charter air transportation of property and mail. Interested persons were given 14 calendar days to file objections to the order.

No objections to the show-cause order were received.

ACCORDINGLY:

1. We find that Murray Air, Inc., is fit, willing, and able to engage in interstate and foreign charter air transportation of property and mail.
2. We issue a certificate of public convenience and necessity to Murray Air, Inc., to engage in interstate charter air transportation in the form and subject to the Terms, Conditions, and Limitations attached.¹
3. Should Murray Air, Inc. propose to operate more than two aircraft, we direct it to notify the Department in writing at least 45 days prior to the proposed operation and demonstrate its fitness to conduct such operations before their commencement.

¹ By this order, we issue only an interstate certificate to Murray Air. Issuance of a foreign certificate is subject to Presidential review under 49 U.S.C. 41307 and will be handled in a separate order.

4. We direct Murray Air, Inc., to submit to the Air Carrier Fitness Division a first year progress report within 45 days following the end of its first year of certificated operations.²

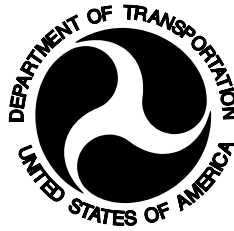
5. We will serve a copy of this order on the persons listed in Attachment A to this order.

By:

Michael W. Reynolds
Acting Assistant Secretary
for Aviation and International Affairs

An electronic version of this document is available on the World Wide Web at
<http://dms.dot.gov>

² The report shall include a description of the carrier's current operations (number and type of aircraft, principal markets served, total number of full-time and part-time employees), a summary of how these operations have changed during the year, a discussion of any changes it anticipates from its current operations during its second year, current financial statements, and a listing of current senior management and key technical personnel. The carrier should also be prepared to meet with staff members of the Fitness Division to discuss its current and future operations.



**Certificate of Public Convenience and
Necessity
for
Interstate Charter Air Transportation**

This Certifies That

MURRAY AIR, INC

is authorized, subject to the provisions of Subtitle VII of Title 49 of the United States Code, the orders, rules, and regulations issued thereunder, and the attached Terms, Conditions, and Limitations, to engage in interstate charter air transportation of property and mail.

This Certificate is not transferable without the approval of the Department of Transportation.

By Direction of the
Secretary

Issued by Order 2003-6-26
On June 19, 2003
Secretary for

Michael W. Reynolds
Acting Assistant

Effective on (see attached)

Aviation and International A



Attachment

Terms, Conditions, and
Limitations

MURRAY AIR, INC.

is authorized to engage in interstate air transportation of property and mail between any point in any State, territory, or possession of the United States or the District of Columbia, and any other point in any of those entities.

This authority is subject to the following provisions:

(1) The authority to operate under this certificate will not become effective until six (business) days after the Department has received the following documents; provided, however, that the Department may stay the effectiveness of this authority at any time prior to that date:

(a) A copy of the holder's Air Carrier Certificate and Operations Specifications authorizing such operations from the Federal Aviation Administration (FAA).

(b) A certificate of insurance on OST Form 6410 evidencing liability insurance coverage meeting the requirements of 14 CFR 205.5(b) for all of its aircraft.

(c) A statement of any changes the holder has undergone in its ownership, key personnel, operating plans, financial posture, or compliance history, since the date of the Show Cause Order in this case.

(d) A revised list of pre-operating expenses already paid and those remaining to be paid, as well as independent verification that the holder has available to it funds sufficient to cover any remaining pre-operating expenses and to provide a

working capital reserve equal to the operating costs that would be incurred in three months of operations.

(2) Pending receipt of effective authority, the holder may not accept payment of any kind (i.e., cash, check, or credit card) or issue waybills for the operations proposed under this certificate, and any advertisement or listing of flights by the holder must prominently state: "This service is subject to receipt of government operating authority."

(3) The holder shall at all times conduct its operations in accordance with the regulations prescribed by the Department of Transportation for the services authorized by this certificate, and with such other reasonable terms, conditions, and limitations as the Department of Transportation may prescribe in the public interest.

(4) The holder is not authorized to carry passengers (other than cargo attendants accompanying freight shipments).

(5) The holder's authority is effective only to the extent that such operations are also authorized by the Federal Aviation Administration (FAA), and comply with all Department of Transportation and Department of Homeland Security requirements concerning security.

(6) The holder shall at all times remain a "Citizen of the United States" as required by 49 U.S.C. 40102(a)(15).

(7) The holder shall maintain in effect liability insurance coverage as required under 14 CFR Part 205. Failure to maintain such insurance coverage will render a certificate ineffective, and this or other failure to comply with the provisions of Subtitle VII of Title 49 of the United States Code or the Department's regulations shall be sufficient grounds to revoke this certificate.

(8) The holder is authorized to conduct charter flights in interstate and/or foreign air transportation in accordance with the provisions of 14 CFR 212.

(9) Should the holder propose any substantial changes in its ownership, management, or operations (as that term is defined in 14 CFR 204.2(1)), it must first comply with the requirements of 14 CFR 204.5.

(10) In the event that the holder does not commence actual flying operations under this certificate within one year of the date of the Department's determination of its fitness, its authority shall be revoked for dormancy, unless the holder is conducting operations under another type of certificate authority. Further, in the event that the holder commences operations for which it was found "fit, willing, and able" and subsequently ceases all such operations, its authority under all certificates held shall be suspended under the terms of 14 CFR 204.7 and the holder may neither recommence nor advertise such operations unless its fitness to do so has been redetermined by the Department. Moreover, if the holder does not resume operations within one year of its cessation, its authority shall be revoked for dormancy.

ATTACHMENT A

SERVICE LIST FOR MURRAY AIR, INC.

MR PRESTON G MURRAY
PRESIDENT & CEO
MURRAY AIR INC
4728 SELKIRK CT
ANN ARBOR MI 48103

SUE WOLSKO
PRODUCT MANAGER
OFFICIAL AIRLINE GUIDE
3025 HIGHLAND PARKWAY
SUITE 200
DOWNERS GROVE IL 60515

MR ALLEN MUTEN
ASSISTANT TREASURER
AIRLINES REPORTING CORP
1530 WILSON BLVD STE 800
ARLINGTON VA 22209-2448

MR MARK ATWOOD
COUNSEL FOR MURRAY AIR
SHER & BLACKWELL LLP
1850 M ST NW
WASHINGTON DC 20036

REGIONAL COUNSEL
FAA AGL-7
GREAT LAKES REGION HDQ
OHARE LAKE OFFICE CENTER
2300 E DEVON AVENUE
DES PLAINES IL 60018

MR DON BRIGHT K-25
OFFICE OF AIRLINE INFO
DEPT OF TRANSPORTATION
400 7TH STREET SW
WASHINGTON DC 20590

MR MILES BILLMAIER
POI FOR MURRAY AIR INC
FEDERAL AVIATION ADMIN
8800 BECK RD
WILLOW RUN AIRPORT
BELLEVILLE MI 48111

MGR FLIGHT STANDARDS DIV
FAA AGL-200
GREAT LAKES REGION HDQ
OHARE LAKE OFFICE CENTER
2300 E DEVON AVENUE
DES PLAINES IL 60018

MR J D MEALOR
AIRLINE DATA COORDINATOR
INNOVATA LLC
3915 OLD MUNDY MILL RD
OAKWOOD GA 30566-3410

MR PETER LYNCH AGC-300
ASST CHIEF COUNSEL FOR
ENFORCEMENT
FEDERAL AVIATION ADMIN
800 INDEPENDENCE AVE SW
WASHINGTON DC 20591

MR JAMES ZAMMAR
DIR OF REVENUE ACCOUNTING
ATA SUITE 1100
1301 PENNSYLVANIA AVE NW
WASHINGTON DC 20004

MR RICHARD DUTTON AFS-900
ASST MANAGER CSET
FAA SUITE 203B
45005 AVIATION DRIVE
DULLES VA 20166-7537

AM ASSOC OF AIRPORT EXEC
601 MADISON ST SUITE 400
ALEXANDRIA VA 22314-1756